

I ask for an "aye" vote on the bill and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. HARMAN) that the House suspend the rules and pass the bill, H.R. 3815, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BILIRAKIS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

PERSONNEL REIMBURSEMENT FOR INTELLIGENCE COOPERATION AND ENHANCEMENT OF HOMELAND SECURITY ACT

Ms. HARMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6098) to amend the Homeland Security Act of 2002 to improve the financial assistance provided to State, local, and tribal governments for information sharing activities, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6098

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Personnel Reimbursement for Intelligence Cooperation and Enhancement of Homeland Security Act" or the "PRICE of Homeland Security Act".

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) After the terrorist attacks on September 11, 2001, State, local, and tribal governments redoubled their efforts to combat terrorism and expended tremendous energy and financial resources to help the Federal Government fight the terrorist threat.

(2) States and localities have formed fusion centers, hired intelligence analysts, and contributed a significant amount of resources to the expansion of Federal homeland security efforts.

(3) These actions, in conjunction with the efforts of the Federal Government and private industry, have materially contributed to the common defense of this Nation and have helped keep our homeland secure.

(4) The National Strategy for Information Sharing issued by the President in October 2007 plainly states that "The Federal Government may need to provide financial and technical assistance, as well as human resource support, to these fusion centers if they are to achieve and sustain a baseline level of capability. The objective is to assist State and local governments in the establishment and the sustained operation of these fusion centers. A sustained Federal partnership with State and major urban area fusion centers is critical to the safety of our Nation, and therefore a national priority."

(5) The Federal Government has endeavored to support these State efforts through the State

Homeland Security Grant Program and other methods of Federal assistance but have placed restrictions on the use of these funds that make long-term planning for fusion centers unmanageable.

(6) *It is vital to the security of our homeland that States and localities are able to continue to receive funding for the participation of State and local analysts in fusion centers and in their State and local efforts to combat terrorism and terrorist-related activities.*

SEC. 3. GRANT ELIGIBILITY FOR ANALYSTS.

Section 2008(a) of the Homeland Security Act of 2002 (6 U.S.C. 609(a)) is amended—

(1) *in the matter preceding paragraph (1) by striking "Grants" and all that follows through "plans, through" and inserting the following: "The Administrator shall permit grant recipients under section 2003 or 2004 to use grant funds to achieve and sustain target capabilities related to preventing, preparing for, protecting against, and responding to acts of terrorism, consistent with a State homeland security plan and relevant local, tribal, and regional homeland security plans, through"; and*

(2) *in paragraph (10) by inserting the following after "analysts": "regardless of whether such analysts are current or new full-time employees or contract employees and such funding shall be made available without time limitations placed on the period of time that such analyst can serve under awarded grants.".*

SEC. 4. USE OF FUNDS FOR PERSONNEL AND OPERATIONAL COSTS.

Section 2008(b)(2) of the Homeland Security Act of 2002 (6 U.S.C. 609(b)(2)) is amended by striking so much as precedes subparagraph (B) and inserting the following:

"(2) PERSONNEL AND OPERATIONAL COSTS.—

"(A) IN GENERAL.—The recipient of a grant under section 2003 or 2004 may, at the recipient's discretion, use up to 50 percent of the amount of the grant awarded for any fiscal year to pay for personnel and operational costs, including overtime and backfill costs, in support of the uses authorized under subsection (a)."

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. HARMAN) and the gentleman from Florida (Mr. BILIRAKIS) will each control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. HARMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. HARMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my colleague and the ranking member of our Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment DAVE REICHERT, introduced H.R. 6098 earlier this year, and it was reported unanimously out of our subcommittee and the full committee.

I have to express my personal disappointment that Mr. REICHERT is not here for this debate. I know that this is a subject he is passionate about, as am I, as are the first responders, so-called "first preventers" who will benefit enormously by its passage.

At issue, Mr. Speaker, is how DHS grant recipients can spend their money

when it comes to hiring and retaining intelligence analysts at the State and local levels.

In the 9/11 Act, we were clear, grant recipients could use up to 50 percent of their State Homeland Security Grant Program and Urban Area Security Initiative funding for personnel costs, without time limitations.

The Department of Homeland Security, however, had other ideas. Instead of following the law, it capped allowable personnel costs far below the 50 percent threshold, and it imposed a 2-year limit on how long States could employ intelligence analysts hired with Federal dollars. This has had the absurd result of States and localities firing analysts after 2 years, just to continue to qualify for DHS funding.

Think about this. Someone works for you, is providing excellent, accurate and actionable intelligence analysis that will help us track and prevent the next set of threats, and that person gets fired only because he or she has to be fired in order for money to continue to flow. This makes absolutely no sense.

DHS' approach, likewise, undermines the culture of constitutionality that Congress intended to foster at fusion centers in the 9/11 Act.

Many States and localities want to use DHS grant funds to hire and retain analysts at those centers, which are increasingly becoming the linchpin for information sharing with the Federal Government. To sustain this effort, however, State and locals need money to pay for staff overtime to make fusion centers work, something both Congress and the President, in his National Strategy For Information Sharing, strongly support.

But, Mr. Speaker, the Department's grant guidance ignores this, just as it ignores the stringent privacy and civil liberties training requirements that are the centerpiece of the 9/11 Act's funding provision. By forcing States and localities to fire staff every 2 years in order to access Federal funds, DHS is effectively preventing the "culture of constitutionality" from taking root.

When privacy and civil liberties best practices have no time to develop, abuses, like the Maryland State Police's apparent spying on peace protestors and death penalty opponents, are the inevitable result.

Mr. Speaker, H.R. 6098 fixes these problems by giving States and localities the flexibility they need to hire and retain the staff to keep our communities safe. That is why the bill has been cosponsored by both Democrats and Republicans, and that is why it was approved on a unanimous basis by both our subcommittee and the full Homeland Security Committee last month.

Mr. Speaker, fusion centers, done the right way, are essential for Homeland Security.

I therefore urge passage of this critically important legislation, and reserve the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I rise today in support of H.R. 6098, the Personnel Reimbursement for Intelligence Cooperation and Enhancement of Homeland Security Act, sponsored by a great Member, again, another great Member that I am fortunate to serve with on the Homeland Security Committee, Congressman DAVE REICHERT.

This bill, which I have cosponsored, would clarify that grant recipients under the State Homeland Security Grant Program, and the Urban Area Security Initiative, can use grant funding to help pay for analysts at State and local fusion centers.

This clarification is critically important because some of these fusion centers have had to limit their operations and some may have to cease operations altogether because of unnecessary restrictions on Federal funding, despite the intent of the 9/11 bill that became law last year.

Congressman REICHERT's bill wisely updates current law to make clear that UASI and SHSGP funding can be used to hire and retain these intelligence analysts without a limitation on how long grants can be used for this purpose.

This bill also would allow grant recipients to use up to 50 percent of their annual grant award for personnel and operational costs, including overtime.

Mr. Speaker, state and local fusion centers play an important role in filling gaps in information sharing with the Federal Government and facilitating the dissemination of critical information to States and localities.

I encourage all of our colleagues to help these centers maximize our ability to detect, prevent and respond to criminal and terrorist activity by supporting H.R. 6098.

I reserve the balance of my time.

Ms. HARMAN. Mr. Speaker, we have no further speakers on our side. I am prepared to close debate once the minority has closed.

Mr. BILIRAKIS. Mr. Speaker, I strongly support this bill, as I stated earlier.

I yield back.

Ms. HARMAN. Mr. Speaker, we have just debated eight bills that come out of the Homeland Security Committee. I think that is a pretty good work product. As I mentioned earlier, four of them, those managed by the chairman of the full committee, Mr. THOMPSON, I think, are excellent policy. They come from a variety of subcommittees. And I want to thank him again, ranking member KING and the superb bipartisan staff that has helped move us along. I urge their passage by this House.

The four bills that I have just managed, and that we debated earlier, one of which, hopefully will reduce the pernicious practice of overclassification and selective declassification, a second, which will reduce the ability to put sensitive but unclassified markings on documents, a third which will promote the dissemination of open source information by the Department of Home-

land Security, and the fourth, which will end the absurd practice of having to fire people in order to continue to receive Federal funds, all go in one direction. And what is that direction? That direction is to help our first preventers, police and fire services, who know our neighborhoods best, to get critical information in real time about what to look for and what to do.

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Without critical information in real time, the cop on the beat could unfortunately miss the plot that is being pursued in the house right in front of him because he or she doesn't know what to look for and what to do.

Each of these bills is designed to get information which the Federal Government may have or which may appear in open source materials to that first preventer in real time. And each of these bills also is designed to reduce and hopefully eliminate the excuses that can cause a Federal bureaucrat to decide that to protect his turf or her turf or to protect himself or herself from embarrassment, to say "Oh, I will just mark this document 'classified' or I will just put an SBU marking on this document and that way the person next door won't get to see it."

Well, Mr. Speaker, that's the wrong impulse, it's the wrong signal, and with passage of these bills, we send a strong message; and more than that, a strong requirement to the Department of Homeland Security that at least the people who work there cannot, any longer, use or abuse the classification and SBU systems in order to protect themselves.

I'm hopeful that later this afternoon as we debate some additional bills on the suspension calendar, one of the things we will do is to use this principle of limiting the categories for "sensitive but unclassified" and take it government-wide. That is legislation that, as I mentioned, has been reported by the Oversight and Government Reform Committee, and I believe that will be before us shortly.

I want to say that I endorse that idea. I think it makes sense to reduce the SBU categories across the government. I think we can make DHS the gold standard, but hopefully every department of government that can use those stamps to prevent necessary information from being shared will get the same strong message.

Let me finally say, as one of the co-authors of the Intelligence Reform bill of 2004, that we recognized, when we enacted that bill, that what has been called a "need-to-know" culture that has created stovepipes, so-called stovepipes in our government, had to be changed to a "need-to-share" culture if we were ever going to be able to connect the dots to prevent the next attack.

Changing a culture from "need to know" to "need to share" is a very difficult thing to do, but a piece of that is breaking down the ways that individ-

uals prevent information from moving off their desks to the person at the next desk.

And with passage of the four bills we have just debated, I think we send the strongest possible signal. And with passage of legislation that Mr. WAXMAN, I believe, is going to offer strongly, we continue to send that signal out across the government.

So Mr. Speaker, I urge passage of the Reichert bill that we have just debated. I urge passage of the four bills that I have been managing during the last hour or so. I call for an "aye" vote on the legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. HARMAN) that the House suspend the rules and pass the bill, H.R. 6098, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. HARMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GOVERNMENT ACCOUNTABILITY OFFICE IMPROVEMENT ACT OF 2008

Mr. WAXMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6388) to provide additional authorities to the Comptroller General of the United States, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6388

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Government Accountability Office Improvement Act of 2008".

SEC. 2. AUTHORITY TO OBTAIN RECORDS.

(a) AUTHORITY TO OBTAIN RECORDS.—Section 716 of title 31, United States Code, is amended in subsection (a)—

(1) by striking "(a)" and inserting "(2)"; and

(2) by inserting after the section heading the following:

"(a)(1) The Comptroller General is authorized to obtain such agency records as the Comptroller General requires to discharge his duties (including audit, evaluation, and investigative duties), including through the bringing of civil actions under this section. In reviewing a civil action under this section, the court shall recognize the continuing force and effect of the authorization in the preceding sentence until such time as the authorization is repealed pursuant to law."